

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

**CLINT CARR and
FRASIEL HUGHEY,**

Defendants.

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Case No. 4:18-CR-339

**UNITED STATES' OBJECTIONS TO CARR'S SECOND AMENDED
PRETRIAL EXHIBIT LIST**

The United States files these Objections to Defendant Carr's Second Amended Exhibit List (Docket Entry No. 269), as follow:

NO	DESCRIPTION	OFFER	OBJECTIONS
1.	CC Pharmacy, LLC Business Plan, dated February 2016 DOJ_CCPHARMACY-0063250		802
2.	DEA 6 – Interview of Dustin Curry, dated March 27, 2019 DOJ_CCPHARMACY-0070966		802
3.	DEA 6 – Interview of Adam Long, dated November 29, 2017 [August 2, 2018 Production; Discovery USB 1]		802
4.	DEA 6 – Interview of Craig Alcorn, dated May 22, 2018 DOJ_CCPHARMACY-0012233		802
5.	DEA 6 – Interview of Jeremy Newberry, dated August 17, 2017 DOJ_CCPHARMACY-0012252		802
6.	CCP2 Power of Attorney for DEA Forms 222		

	FILTER-CCRXPHYSICAL-0000000041		
7.	Carr-Curry text messages dated 10/10/14 (GEX 702) DOJ_CCPHARMACY-0072659		
8.	Carr-Curry text messages dated 1/13/16 (GEX 708) DOJ_CCPHARMACY-0073774 [Withdrawn]		
9.	Carr-Curry text messages dated 5/14/16 (GEX714) DOJ_CCPHARMACY-0074104 [Withdrawn]		
10.	Carr-Curry text messages dated 5/11/16 (GEX 716) DOJ_CCPHARMACY-0074129		
11.	Carr-Curry text messages dated 5/12/16 (GEX 717) DOJ_CCPHARMACY-0074135		
12.	Carr-Curry text messages dated 5/19/16 (GEX 718) DOJ_CCPHARMACY-0074164 [Withdrawn]		
13.	Carr-Curry text messages dated 5/23/16 (GEX 719) DOJ_CCPHARMACY-0074171 [Withdrawn]		
14.	July 11, 2017 email between Sanchez, Long and Newberry re Daily Shipment Report [August 2, 2018 Production; Discovery USB 1]		
15.	July 14, 2017 email between Carr, Sanchez, Newberry, Curry and Long re Houston Trip DOJ_CCPHARMACY-0007735		
16.	August 15, 2017 email between Sanchez, Carr, Curry, Long and Newberry re Resignation DOJ_CCPHARMACY-0007737		802
17.	DEA 6 – Proffer Interview of Dustin Curry, dated May 9, 2019 DOJ_CCPHARMACY-0070977		802
18.	Carr-Curry text messages, DATED October 7, 2014 (Reduced to pgs. 23-24) DOJ_CCPHARMACY-0072656		802
19.	Carr-Curry text messages, dated February 10, 2015		802

	(Pg. 94) DOJ_CCPHARMACY-0072727		
20.	Carr-Curry text messages, dated February 13, 2015 (Pg. 108) DOJ_CCPHARMACY-0072741		802, 404, 608(b)
21.	Carr-Curry text messages, dated March 13, 2015 (Pg. 168-169) DOJ_CCPHARMACY-0072801		
22.	Carr-Curry text messages, dated April 22, 2016 (GEX 713) DOJ_CCPHARMACY-0074071		
23.	Carr-Curry text messages, dated August 4, 2016 (Pg. 1850-1851) DOJ_CCPHARMACY-0074484		
24.	Carr-Curry text messages, dated April 10, 2015 DOJ_CCPHARMACY-0076573		802
25.	Nevada Ch. 639 – Pharmacists and Pharmacy [https://www.leg.state.nv.us/nrs/NRS-639.html#NRS639Sec235]		402 & 403
26.	Pharmacist’s Manual, An Informational Outline of the Controlled Substances Act [https://www.deadiversion.usdoj.gov/GDP/(DEA-DC-046)(EO-DEA154)_Pharmacist_Manual.pdf]		402 & 403
27.	Photos of CC Pharmacy interior (pickup window) taken by USDOJ		402, 403, 802
28.	Texas State Board of Pharmacy website [https://www.pharmacy.texas.gov/consumer/broch4.asp]		402
29.	Dustin Curry Sealed Plea Agreement DOJ_CCPHARMACY-0077314		
30.	Email communication dated 8-16-17 from Megan Hanson to James Soto Subject: Form DEA 222 from Clint Carr at CC Pharmacy 3 dated 8-16-17 [August 2, 2018 Production; Discovery USB 1]		802
31.	Email communication from Jose Sanchez to Clint Carr Re: CII Transfers dated 6-22-17 [August 2, 2018 Production; Discovery USB 1]		802
32.	DV Medical Advertisement Flyer for		

	Controlled Substances Fall 2016 and New Account Paperwork DOJ_CCPHARMACY-0055571		
33.	Email to Clint from Dustin DOJ_CCPHARMACY-0007720		802
34.	<i>Intentionally Omitted</i>		
35.	Email communication from Jeffrey Pitts to Clint Carr Subject Pharmacy start up dated 1-31-17 DOJ_CCPHARMACY-0079030 [Withdrawn]		
36.	Email communication from Merideth Leighty to Eric Guelzow Re: CC Pharmacies DOJ_CCPHARMACY-0071731		802
37.	Hughey Check \$3670 dated 11-28-17 DOJ_CCPHARMACY-0012571		Withdrawn
38.	Pharmacy Reference Library FILTER-CCRxDIGITAL-0000022211		
39.	Limited Power of Attorney of Clint Carr to Dustin Curry FILTER-CCRxDIGITAL- 0000000043		
40.	Auburn Compliance Questionnaire and Letter from Crystal Payne dated 7-6-16 DOJ_CCPHARMACY-0054591		
41.	Albertsons Companies Buy Out Letter dated 7-28-17 DOJ_CCPHARMACY-0055965		402, 403, 802
42.	Company Agreement of CC Pharmacy, LLC FILTER-CCRxDIGITAL-0000022202		802, 402
43.	CC Pharmacy 2 Balance Sheet as of 12-31-16 DOJ_CCPHARMACY-0053054		802
44.	CC Pharmacy Profit and Loss January-February 2017 FILTER-CCRxDIGITAL-0000021988		802
45.	Franchise Tax Account Status Registration date 11-22-2016 FILTER-CCRxDIGITAL-0000022199		
46.	CC Pharmacy 2 TSBP Application FILTER-CCRxDIGITAL-0000022217		
47.	CC Pharmacy 3 TSBP Application FILTER-CCRxDIGITAL-0000022200		
48.	Drug inventory of Non-controls DOJ_CCPHARMACY-0064186		104

49.	Three checks to US Marshall Service dated 11-30-17 DOJ_CCPHARMACY-0012573		Withdrawn
50.	Two Checks to US Marshall Service 11-30-17 DOJ_CCPHARMACY-0012574		Withdrawn
51.	Letter to From Dr. Warfield's Manager, Nicole Price dated 7-28-17 DOJ_CCPHARMACY-0007757		
52.	Messages between Dustin Curry and Clint Carr, dated 7-5-16 [GEX727] DOJ_CCPHARMACY-0074375		
53.	Email Communication from Jose Sanchez to Martin Ramirez Subject: Summary dated 6-29-17 [August 2, 2018 Production; Discovery USB 1]		
54.	Clint Carr, Chelsea Carr 1040, 2015 DOJ_CCPHARMACY-0052794		402
55.	Letter from Jayesh P. Ojha CPA to Clint Carr dated 3-21-17 DOJ_CCPHARMACY-0052859		402
56.	C&C Pharmacy 1065, 2016 DOJ_CCPHARMACY-0052875		402
57.	Letter from Jayesh P. Ojha CPA to Client dated 2-1-18 DOJ_CCPHARMACY-0052891		402
58.	Letter from Jay Ojha ref: Clint and Chelsea Carr mortgage 4-4-17 DOJ_CCPHARMACY-0052951		
59.	Letter from Jay Ojha CPA to Client dated 3-29-17 FILTER-CCRxDIGITAL-0000022277		402
60.	CC Pharmacy 3 Letter from Texas Comptroller of Public Accounts dated 12-9-16 FILTER-CCRxDIGITAL-0000022195		
61.	CC Pharmacy 3 Letter from IRS Assigning EIN Number dated 11-14-16 DOJ_CCPHARMACY-0053686		
62.	Resume of Jose A. Sanchez FILTER-CCRxDIGITAL-0000083737		
63.	June 7, 2017 email re CC Pharmacy FILTER-CCRxDIGITAL-0000109564		
64.	Jose Sanchez Employment Agreement FILTER-CCRxDIGITAL-0000083501		

65.	CC Pharmacy POA - DEA From 222 FILTER-CCRxDIGITAL-0000024298		
66.	July 12, 2017 email re Fw CII Transfers [August 2, 2018 Production; Discovery USB 1]		802
67.	July 12, 2017 email re Fw POA [August 2, 2018 Production; Discovery USB 1]		802
68.	CC Pharmacy 2 PoA FILTER-CCRxDIGITAL-0000083514		
69.	CC Pharmacy PoA FILTER-CCRXPHYSICAL-0000000040		
70.	July 12, 2017 email re Fw Shipment [August 2, 2018 Production; Discovery USB 1]		802, 403
71.	July 12, 2017 email re Fw Update [August 2, 2018 Production; Discovery USB 1]		
72.	July 12, 2017 email re Fw CC Pharmacy 2 Reports [August 2, 2018 Production; Discovery USB 1]		
73.	July 12, 2017 email re Fw Controlled Drug Inventory [August 2, 2018 Production; Discovery USB 1]		403
74.	July 12, 2017 email re Fw Daily Facility Shipment [August 2, 2018 Production; Discovery USB 1]		403
75.	July 12, 2017 email re Fw Facility Shipment Report 7/7/17 [August 2, 2018 Production; Discovery USB 1]		403
76.	July 12, 2017 email re Fw Daily Script Inventory [August 2, 2018 Production; Discovery USB 1]		403
77.	July 12, 2017 email re Fw Weekly Drug Transfer Shipment [August 2, 2018 Production; Discovery USB 1]		403
78.	July 12, 2017 email re Fw Controlled Drug Inventory (1) [August 2, 2018 Production; Discovery USB 1]		403

79.	July 12, 2017 email re Fw Daily Script Inventory, Controlled Drug Inventory [August 2, 2018 Production; Discovery USB 1]		403
80.	July 12, 2017 email re Fw Today [August 2, 2018 Production; Discovery USB 1]		
81.	July 12, 2017 re Fw Controlled Drug Inventory [August 2, 2018 Production; Discovery USB 1]		403
82.	July 12, 2017 email re Fw Daily Shipment Report [August 2, 2018 Production; Discovery USB 1]		403
83.	July 12, 2017 email re Fw 7/12/17 [August 2, 2018 Production; Discovery USB 1]		403
84.	July 12, 2017 email re Fw Controlled Inventory Facility Shipment 7/12/17 [August 2, 2018 Production; Discovery USB 1]		403
85.	July 12, 2017 email re Emails [August 2, 2018 Production; Discovery USB 1]		
86.	July 13, 2017 email re Script Inventory [August 2, 2018 Production; Discovery USB 1]		
87.	August 8, 2017 email re Fwd Facility Shipment Report 8/8/17 [August 2, 2018 Production; Discovery USB 1]		403
88.	August 15, 2017 email re Resignation [August 2, 2018 Production; Discovery USB 1]		802
89.	August 21, 2017 email re Controlled Substance Inventory [August 2, 2018 Production; Discovery USB 1]		
90.	June 22, 2017 email between Sanchez, Carr and Curry re CII Transfers DOJ_CCPHARMACY-0006653		802
91.	August 15 th email from Carr to Sanchez, Long, Curry and Newberry DOJ_CCPHARMACY-0007711		802, 403

92.	August 16 th email from Sanchez to Carr, Long, Curry and Newberry DOJ_CCPHARMACY-0007714		802
93.	August 17 th email from Carr to Sanchez, Curry and Long DOJ_CCPHARMACY-0007717		
94.	July 12, 2017 email re 7/12/17 DOJ_CCPHARMACY-0007723		
95.	July 6, 2017 email re CC Pharmacy 2 Reports DOJ_CCPHARMACY-0007725		
96.	July 26, 2017 email re Controlled Drug Inventory DOJ_CCPHARMACY-0007728		
97.	July 14, 2017 email re Houston Trip DOJ_CCPHARMACY-0007735		
98.	July 77, 2017 re Daily Shipment Report DOJ_CCPHARMACY-0007732		
99.	August 2, 2017 email re Floor Install DOJ_CCPHARMACY-0007734		
100.	August 15, 2017 email re Resignation DOJ_CCPHARMACY-0007737		802
101.	June 29, 2017 email re Shipment DOJ_CCPHARMACY-0007739		802, 403
102.	July 5, 2017 email re Update DOJ_CCPHARMACY-0007736		
103.	July 11, 2017 email re Today DOJ_CCPHARMACY-0007741		
104.	December 7, 2016 email re CC Pharmacy Houston Order DOJ_CCPHARMACY-0012496		802
105.	April 25, 2017 email re CCRX2 Login DOJ_CCPHARMACY-0012508		802
106.	April 11, 2017 email re CC Pharmacy and CC Pharmacy 2 DOJ_CCPHARMACY-0012497		802
107.	April 20, 2017 email re CCRX2 PIC DOJ_CCPHARMACY-0012499		802
108.	April 24, 2017 email re CCRX1DUR DOJ_CCPHARMACY-0012506		802
109.	May 4, 2016 email re New pharmacy applicant (Dustin Curry) DOJ_CCPHARMACY-0012511		802
110.	May 4, 2016 email re new pharmacy – dustin curry – pics cont. DOJ_CCPHARMACY-0012519		802

111.	May 4, 2016 email re new application DOJ_CCPHARMACY-0012514		802
112.	May 4, 2016 email re new pharmacy applicant – Dustin Curry - pics DOJ_CCPHARMACY-0012522		802
113.	September 14, 2016 email re Licenses DOJ_CCPHARMACY-0012531		802
114.	May 11, 2016 email re Online Access DOJ_CCPHARMACY-0012530		802
115.	May 4, 2016 email re New Application DOJ_CCPHARMACY-0012525		802
116.	September 30, 2016 email re cc pharmacy: Application DOJ_CCPHARMACY-0012536		802
117.	September 19, 2017 email re DUR Request DOJ_CCPHARMACY-0012532		802
118.	October 20, 2016 email re CC Pharmacy 10/20/16 DOJ_CCPHARMACY-0012540		802
119.	October 4, 2016 email re cc pharmacy new location; PIC ID and License DOJ_CCPHARMACY-0012538		802
120.	September 28, 2016 email re Dustin from CC pharmacy: DV Medical Supply (New Customer Application) DOJ_CCPHARMACY-0012535		802
121.	November 1, 2016 email re CCRX Credit Card Issue DOJ_CCPHARMACY-0012542		802
122.	December 5, 2016 email re CCRX#2 12/5/16 Order DOJ_CCPHARMACY-0012543		802
123.	December 7, 2016 email re CC Pharmacy Houston DOJ_CCPHARMACY-0012545		802
124.	April 26, 2017 email re Call DOJ_CCPHARMACY-0012546		802
125.	October 3, 2017 email re CC Pharmacy 10/3/17 Order DOJ_CCPHARMACY-0012548		802
126.	December 5, 2016 email re CCRX#1 12/5/16 Revised Order DOJ_CCPHARMACY-0012544		802
127.	April 24, 2017 email re Dustin from cc pharmacy 1 & 2 DOJ_CCPHARMACY-012553		802

128.	July 11, 2016 email re Tracking DOJ_CCPHARMACY-0012549		802
129.	April 26, 2017 email to Curry from DV Medical Supply DOJ_CCPHARMACY-0012552		802
130.	November 6, 2017 email re Curry Taxes DOJ_CCPHARMACY-0053204		802, 402
131.	June 7, 2017 email re CC Pharmacy FILTER-CCRXDIGITAL-0000050131		
132.	April 19, 2016 email re Dad DOJ_CCPHARMACY-0068764		802
133.	September 22, 2017 email re FW: CC Pharmacy2 DOJ_CCPHARMACY-0071734		
134.	September 22, 2017 email re FW: CC Pharmacy DOJ_CCPHARMACY-0071747		802
135.	October 12, 2017 email re CCRX 10/3/17 DOJ_CCPHARMACY-0072149		802
136.	October 23, 2017 email re CRX 10/3/17 DOJ_CCPHARMACY-0072152		802
137.	Barnes messages DOJ_CCPHARMACY-0076572		802
138.	GEX 118 Email from Dustin Curry to Clint Carr copied dated 5-31-2016 DOJ_CCRXDIGITAL-0000357587		802
139.	DEA 6 - Interview of Dr. Ibrahim F. Ibrahim, dated October 18, 2017 [No Bates]		802
140.	DEA 6 - Interview of Dr. Austin Oscar Williams, MD, dated October 23, 2017 DOJ_CCPHARMACY-0011827		802
141.	DEA 6 - Hassan Barnes Proffer Interview, dated April 4, 2019 DOJ_CCPHARMACY-0070972		802
142.	DEA 6 – Clint Carr Proffer Interview, dated July 6, 2019 DOJ_CCPHARMACY-0070960		802
143.	DEA 6 - Telephonic Interview of Megan Hanson, dated August 17, 2017 DOJ_CCPHARMACY-0070720		802
144.	DEA 6 - Proffer Interview of Lisa Jones, July 20, 2018 DOJ_CCPHARMACY-0053759		802
145.	DEA 6 - Interview of Dr. Ifran I. Wadiwala, dated September 18, 2018		802

	DOJ_CCPHARMACY-0053754		
146.	DEA 6 - Interview of Frasiel Hughey, dated November 15, 2017 DOJ_CCPHARMACY-0011830		802
147.	DEA 6 - Telephonic Interview of Jeremy Newberry, dated August 22, 2017 DOJ_CCPHARMACY-0012308		802
148.	DEA 6 - Interview of Adam Long, dated November 22, 2017 [No Bates]		802
149.	DEA 6 - Proffer Interview of Adam Long, dated May 2, 2018 DOJ_CCPHARMACY-0012264		802
150.	DEA 6 - Interview of Jeremy Newberry, dated August 15, 2017 and August 17, 2017 DOJ_CCPHARMACY-0012252		802
151.	DEA 6 - Interview of Megan Elizabeth Hanson, dated September 6, 2017 DOJ_CCPHARMACY0012259		802
152.	Letter from Don Lewis dated October 19, 2017 FILTER-CCRXPHERICAL-000000056		104, 802, 403
153.	DEA 6 – Interview of Dustin Curry dated December 28, 2021 DOJ_CCPHARMACY-0079054		802
154.	DEA 6 – Interview of Jeremy Newberry dated January 6, 2022 DOJ_CCPHARMACY-0079064		802
155.	DEA 6 – Interview of Jose Sanchez on January 19, 2022 DOJ_CCPHARMACY-0079067		802
156.	DEA 6 – Interview of Jose Sanchez on January 12, 2022 DOJ_CCPHARMACY-0079071		802
157.	DEA 6 – Proffer Interview of Adam Long dated January 7, 2022 DOJ_CCPHARMACY-0079072		802
158.	DEA 6 – Proffer Interview of Adam Long dated January 17, 2022 DOJ_CCPHARMACY-0079074		802
159.	DEA 6 – Proffer Interview of Dustin Curry dated January 13, 2022 DOJ_CCPHARMACY-0079075		802
160.	DEA 6 – Proffer Interview of Dustin Curry dated December 17, 2021		802

	DOJ_CCPHARMACY-0079076		
161.	DEA 6 – Proffer Interview of Hassan Barnes dated January 20, 2022 DOJ_CCPHARMACY-0079085		802
162.	DEA 6 – Proffer Interview of Lisa Jones dated January 5, 2022 DOJ_CCPHARMACY-0079086		802
163.	Bravenec Lab Reports LIMS DOJ_CCPHARMACY-0079089		
164.	Recorded Call from August 11, 2017 Between Jose Sanchez and Hassan Barnes (GEX 513)		802
165.	The PHARMA Compliance Group (Auburn) Retail Pharmacy On-Site Questionnaire dated 3-21-2017 DOJ_CCPHARMACY-0012438		802
166.	The PHARMA Compliance Group Compliance Evaluation Report dated 3-21-2017 DOJ_CCPHARMACY-0012554		802

Definition of Objections

(A) 104: Foundation required.

(B) 402: Exhibit is not relevant to any issue that will be submitted to the jury.

(C) 403: Any probative value of the exhibit is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.

(D) 404: Exhibit relates to an alleged prior bad act, is inadmissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character, and is not admissible for another, proper purpose.

(E) 608: Exhibit contains extrinsic evidence of conduct inadmissible to attack a witness's character for untruthfulness.

(F) 802: Exhibit contains inadmissible hearsay for which no exception applies.

Respectfully submitted,

JENNIFER B. LOWERY
United States Attorney

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document was served upon counsel of record on this 27th day of February 2022.

By: /s/ Devon Helfmeyer
Devon Helfmeyer